

20-mj-411 KMM

STATE OF MINNESOTA

ss. AFFIDAVIT OF NATHAN R. BOYER

COUNTY OF HENNEPIN

I, Nathan R. Boyer, being duly sworn, state as follows:

INTRODUCTION AND AGENT BACKGROUND

1. I am a Special Agent with the United States Department of Justice, Bureau of Alcohol, Tobacco, Firearms and Explosives ("ATF"), and have been so employed since November 2016. I am currently assigned to the St. Paul Field Division, where I am involved in various aspects of ATF enforcement programs, including investigations of violent criminals, criminal organizations, illegal use and trafficking of firearms, illegal use and storage of explosives, and acts of arson and bombings. I obtained a Master's of Science degree in Criminal Justice from St. Cloud State University. Prior to working at ATF, I previously worked for ten years in the chemical dependency field.

2. In my capacity as a Special Agent with the ATF, my responsibilities include, but are not limited to, investigating firearms violations under Title 18 of the United States Code. During my time with the ATF, I have investigated multiple cases falling within the ATF's Arson and Explosives jurisdiction. I graduated from the 26-week combined Criminal Investigator Training Program at the Federal Law Enforcement Training Center and the Special Agent Basic Training at the ATF National Academy. I have received significant amounts of training on the subject-matter within the ATF's jurisdiction, including courses in criminal investigations, federal firearms violations, federal arson laws, and federal explosives laws.

3. The facts in this Affidavit are based on my personal observations, my training and experience, evidence gathered pursuant to search warrants, and information obtained from other agents and witnesses. This Affidavit is intended to show merely that there is sufficient probable cause for the requested complaint and arrest warrant and does not set forth all of my knowledge about this matter.

4. This affidavit is being submitted in support of the criminal complaint for BRYCE MICHAEL WILLIAMS. Based on my training and experience and the facts set forth in this Affidavit, I respectfully submit that there is probable cause to believe that WILLIAMS has conspired with others to commit arson on property used in interstate commerce, in violation of Title 18, United States Code, Section 844(i), all in violation of Title 18, United States Code, Section 371 (Count 1).

FACTS ESTABLISHING PROBABLE CAUSE

Case Background

5. On May 25, 2020, George Floyd died while in the custody of the Minneapolis Police Department. The nature and circumstances of Mr. Floyd's arrest, subsequent death, and the actions of the Minneapolis Police Department came under intense public scrutiny. Almost immediately following Mr. Floyd's death, public protests began in Minneapolis and expanded throughout the Twin Cities metro area.

6. Following the mostly peaceful protests that occurred on May 26, 2020, the cities of Minneapolis and St. Paul endured multiple nights of violence and destruction. Between May 27 and May 30, 2020, following several organized and peaceful protests, hundreds of individuals carrying on into the night vandalized and

looted local businesses and destroyed buildings, vehicles, and other property through arson, smashing doors and windows, and throwing objects. The Minneapolis neighborhood surrounding the East Lake Street/Hiawatha intersection, near the site of the police's encounter with Mr. Floyd, was particularly hard hit, with numerous business in the neighborhood looted and partially destroyed by vandalism and arson.

7. On the night of May 28, 2020, the Minneapolis Third Precinct police building located at 3000 Minnehaha Avenue (the "Third Precinct") was overrun and heavily damaged by fire. As seen in the below photograph published in *The Star Tribune*, flames and smoke are visible at the entrance to the Third Precinct.



8. Investigators have subsequently identified multiple separate fires started in the Third Precinct. Vandalism and arson that night caused extensive damage to the Third Precinct.

9. Based on information provided to me by the Minneapolis Police Department, the Third Precinct, located at 3000 Minnehaha Avenue, is property of the City of Minneapolis. Both the Minneapolis Police Department and the City of Minneapolis conduct business in interstate commerce, for example by purchasing vehicles and other equipment and supplies in interstate commerce. The activities of the Minneapolis Police Department and the City of Minneapolis government in enforcing laws also affect interstate commerce.

Law Enforcement Observe WILLIAMS in Surveillance Video

10. During the course of the investigation, law enforcement collected and reviewed surveillance video from an external camera located at the Third Precinct. Investigators reviewing that video identified an individual participating in the arson at the Third Precinct. That individual was later identified as WILLIAMS.

11. In the surveillance video, investigators observed WILLIAMS with his face covered by a light-colored medical mask and wearing a dark hooded sweatshirt. WILLIAMS can also be seen in surveillance video wearing a baseball cap with a light-colored-brim and dark-colored pants, dark shoes and either light-colored socks or light-colored tops to dark-colored shoes.

12. Surveillance video from the Third Precinct shows WILLIAMS approaching the entrance of the building holding a Molotov cocktail.



13. The video shows WILLIAMS holding a Molotov cocktail inside the entrance of the Third Precinct. In the video, the Molotov cocktail in his right hand is partially obstructed once he reaches it inside the building due to a plywood boards. Several other participants crowded the area. The video captures a flicker of light, consistent with an open flame, reflecting off the adjacent interior wall several times.

14. Moments later, WILLIAMS holds the Molotov cocktail while one of several other participants attempts to light it with a handheld open-flame-producing device. Around this time, the surveillance video momentarily shakes, as if struck by an object, causing the colors captured in the video footage to change (for example colors that appeared black prior to the camera shaking appear blue).

15. Soon after, the surveillance video shows the crowd mostly disperse and WILLIAMS is fully viewable holding the Molotov cocktail, while another participant attempts to light the wick. Additionally, a third participant is holding the Molotov cocktail from inside the building at the same time.

16. The surveillance video then shows WILLIAMS let go of the Molotov cocktail, passing it to another participant on the inside of the building. At that point, WILLIAMS looks up in the direction of the surveillance camera, as seen in the still photograph below from the surveillance footage.



17. The surveillance video shows WILLIAMS pulling out his cell phone. WILLIAMS then walks away from the vicinity of the surveillance camera and into the crowd in the parking lot.

WILLIAMS Is Identified from the Surveillance Video

18. During the course of the investigation, law enforcement has reviewed publicly available social media accounts, including YouTube, Facebook, Instagram, Snapchat, and TikTok. TikTok is a social media service that allows individuals to post and share video clips.

19. Investigators reviewed videos posted to the TikTok account, @thebryceisrightbih. Investigators observed video showing WILLIAMS standing in front of the burning Third Precinct. The below picture is from a TikTok video posted on May 29, 2020 by @thebryceisrightbih, one day after the Third Precinct was burned.



20. WILLIAMS can be seen wearing a dark hooded sweatshirt, a light colored shirt under the sweatshirt, a baseball cap with a light colored brim, and a light blue colored medical mask, consistent with the clothing that was captured in the surveillance video of WILLIAMS at the entrance to the Third Precinct.

21. In addition, investigators reviewed the below photograph, watermarked from *The New York Times*. This photograph shows WILLIAMS holding a Molotov cocktail in front of the Third Precinct Building.



22. Investigators also reviewed publicly available video posted on YouTube by Live Storms Media on May 29, 2020. The video, titled "5/28/2020/5/29/2020 Minneapolis, MN – Protests/Riots George Floyd," is a compilation of several video clips of the civil unrest, including in the area of the Third Precinct Building.

23. The video shows WILLIAMS holding a clear glass bottle with a light-colored wick. The Molotov cocktail is consistent with that in the above photograph. WILLIAMS then carries the Molotov cocktail over a fence towards the Third Precinct. As can be seen in a still photo from the video, WILLIAMS is holding a Molotov cocktail, while another individual attempts to light it. The video also captures a side profile of WILLIAM's face.



24. Investigators viewed other videos posted on May 28 by the account @thebryceisrightbih on TikTok. In one of the videos, recorded in close proximity to the then-burning entrance to the Third Precinct Building, the person holding the camera pans around to show others in the area. During this pan, the person holding the camera turns the camera toward himself, taking a "selfie." The holder of the camera's face comes partially into view while in "selfie" mode, showing the camera holder's head above the nose. This individual is wearing the same dark-colored hooded sweatshirt, baseball cap with a light colored brim, and a light colored medical mask. The clothing is consistent with what WILLIAMS can be observed wearing in

the previously discussed photographs and videos. A still photograph from the video posted on @thebryceisrightbih on TikTok showing the clothing is attached below:



25. The video captures a side profile of WILLIAM's face. Investigators viewed additional videos posted on @thebryceisrightbih TikTok account on May 28, 2020. In one of these posted videos, WILLIAMS has his facemask pulled down and his face is clearly visible. WILLIAMS has a distinctive bird tattoo on his chest. WILLIAMS is wearing a dark colored baseball hat with a light colored brim, a light blue medical mask (pulled down around his neck) and a light colored T-shirt,. In the video, WILLIAMS is discussing an upcoming broadcast later that evening, saying, "Hey Y'all. TikTok banned my live for 24 hours, so for 24 hours I can't go live. But until then, stay tuned for the live content I'm gonna post tonight. It's going up!"

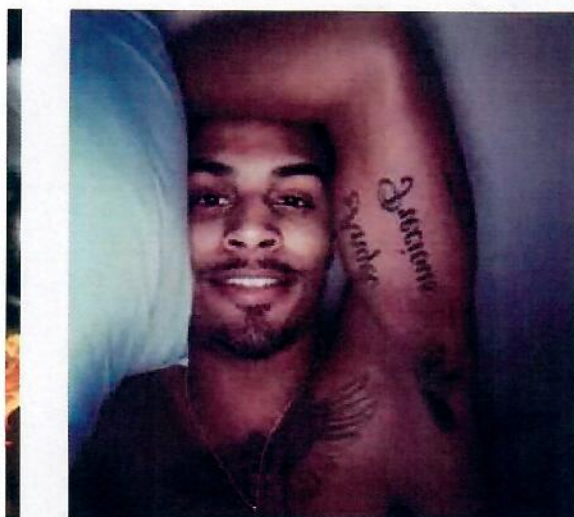


26. Based on visible landmarks captured in the video recording, WILLIAMS appears to be near the Third Precinct Building.

27. At the end of the video, the final frame provides information about the account user for @thebryceisrightbih. The name of the account user is listed as Bryce Williams. There is also a profile picture, in which WILLIAMS is wearing a light colored brimmed baseball cap that is consistent with the hat worn by WILLIAMS in photographs and videos from May 28.



28. In January 2015, WILLIAMS was booked in the Hennepin County Jail. Your Affiant reviewed a booking photo taken of WILLIAMS from that booking. The photo matches the face of the unmasked individual depicted in the video described in paragraph 29 and in Figure 6. In addition, your affiant viewed a photo showing WILLIAMS tattoos. WILLIAMS has a distinctive bird tattoo on his chest just like the unmasked individual referenced above:



29. When WILLIAMS was booked in 2015, he reported his phone number to be 612-275-9850. Between August 15, 2015 and September 7, 2018, Williams had four separate contacts with law enforcement. During each contact, WILLIAMS reported his phone number to be 612-275-9850. A review of public sources on June 9, 2020 show that the phone number 612-275-9850 is currently associated to WILLIAMS.

30. On June 11, 2020, law enforcement obtained a search warrant for historical cell site data and GPS ping location data for a cellphone using telephone number 612-275-9850. The warrant was signed by Magistrate Judge Hildy Bowbeer.

31. On June 12, 2020, law enforcement officers received historical cell site information and GPS location data. The historical cell site information placed the cellphone utilizing 612-275-9850 near the location of the Third Precinct on May 28, 2020 during the time it was burned.

32. On June 14, 2020, investigators reviewed a video that had been posted on the social media site Instagram. In the post, an account holder identified as "n830show" conducts an interview with WILLIAMS on or about June 12, 2020, regarding the rioting that occurred in Minneapolis on May 28, 2020.

33. During the interview, WILLIAMS tells the interviewer that he was "there when they first burned down the police station." Referring to the night of May 28, the interviewer asked WILLIAMS: "Did you participate in the protests and the riots, or just the protest?" WILLIAMS responded that he had participated in the protests in the day, and the riots at night: "But at night, I participated in the riots at night of course, cause I'm with my people. There all doing shit and getting teargassed,


of course I'm going to riot too." Later, the interviewer asked WILLIAMS: "Would you consider burning down the buildings part of the rioting?" WILLIAMS responded: "Yeah, definitely that's part of rioting, its mass destruction - that's what a riot is, its mass destruction."

CONCLUSION


34. Based on the above information, I believe there is probable cause that WILLIAMS and others have conspired with each other to commit arson on property used in interstate commerce, in violation of Title 18, United States Code, Section 844(i), all in violation of Title 18, United States Code, Section 371.

Dated: June 15, 2020

Respectfully submitted,


Nathan Boyer, Special Agent
Bureau of Alcohol Tobacco & Firearms

SUBSCRIBED and SWORN to before me by reliable electronic means (FaceTime and email) pursuant to Fed. R. Crim. P. 41(d)(3) on this 15th day of June 2020.


The Honorable Katherine M. Menendez
United States Magistrate Judge